

# “IF THEY DID NOT EXIST THEY WOULD HAVE TO BE INVENTED” – THE ROLE OF IMMIGRANTS AND THEIR REGULATION IN THE AMERICAN SOCIO-POLITICAL CONTEXT

Blaž ILC<sup>1</sup>

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## ABSTRACT

### “If They Did Not Exist They Would Have To Be Invented” – The Role of Immigrants and Their Regulation in the American Socio-Political Context

The article explores the multidimensional, heterogeneous and complex role that immigrants and their regulation played and play in the American socio-political context. It argues that immigrants have played and play a crucial role in the establishment and development of the American republic. They were and are crucial for the continuous re-inscriptions of symbolic and material boundaries of the American nation and citizenship and in the development of the capacities and legitimacy of state apparatuses to regulate the US population. They are also indispensable for the functioning of the American economy. KEY WORDS: immigrants, immigration, American nation, American citizenship, racism

## IZVLEČEK

### »Če ne bi obstajali, bi si jih morali izmisliti.« Vloga priseljencev in njihovo reguliranje v ameriškem družbeno-političnem kontekstu

Članek obravnava večdimenzionalno, heterogeno in kompleksno vlogo, ki so jo v ameriškem družbeno-političnem kontekstu igrali in jo še vedno igrajo priseljenci ter zakonodaja o njih. Utemeljuje stališče, da so priseljenci v formiranju in razvoju ameriške republike igrali in še vedno igrajo ključno vlogo. Bili so in so še vedno ključnega pomena za trajno ponovno potrjevanje simboličnih in fizičnih meja ameriške države in državljanstva ter pomembno vplivajo na razvoj zmogljivosti in pravnih podlag državnega aparata za zakonsko urejanje ameriškega prebivalstva.

KLJUČNE BESEDE: priseljenci, priseljevanje, ameriška nacija, ameriško državljanstvo, rasizem

## INTRODUCTION

When following the mainstream political and public debates, the mainstream news reporting on immigrants and immigration and observing the ever more repressive regulation of immigrants and immigration at the federal (e.g. border wall) and state level (e.g. Arizona “anti-immigration” laws) one can come to the conclusion that immigrants in the contemporary American socio-political context play a simple role of a burden (welfare-dependent) and a threat (job-stealing, terrorist, biological) to the American way of life and the wellbeing of the American nation. Although the importance of this role should not

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<sup>1</sup> Researcher; Faculty of Social Sciences, University of Ljubljana, Kardeljeva ploščad 5, SI-1000 Ljubljana, Slovenia; [blaz.ilc@fdv.uni-lj.si](mailto:blaz.ilc@fdv.uni-lj.si).

be underestimated, especially regarding the conditions for the possibility of such a conception of immigrants, the role of immigrants and their regulation has been and is, as we intend to demonstrate in the following article, much more complex, multidimensional and crucial for the American socio-political context.

In order to comprehensively address the roles of immigrants and their regulation in the American context we will by employing a broad Foucauldian approach firstly critically analyse the central characteristics of the modern Western socio-political arrangements that are pertinent for understanding the complex role of immigrants and their regulation in these arrangements. The analysis will form the conceptual basis upon which the specificity of the American context will be critically examined in regard to immigration, its central norms, socio-political hierarchies and the boundaries of the American nation and citizenship. This will provide an analytical framework needed to explore the roles of immigrants in their multidimensionality and complexity that will conclude our critical reflection. In this context we will focus upon the historical role of immigrants and their regulation in the constitution and development of the American republic, the bordering of the American nation and citizenship, the functioning of the economy and their role in the development and legitimization of the expansion of the state apparatuses and the technologies of regulation, control and surveillance.

## THE CENTRAL CHARACTERISTICS OF MODERN WESTERN SOCIO-POLITICAL ARRANGEMENTS

All modern Western socio-political arrangements share a specific dual nature. On the one hand they are characterised by respect for liberty and human rights, popular sovereignty, the rule of law, separation of powers, the protection of private property, the notion of productive enterprise and policies for providing security and welfare to their populations. Their constitutions formally provide all citizens with equal civic and political rights and all other inhabitants with universal human rights. They are self-represented as providing equal opportunities and being based upon non-discrimination and inclusion. But on the other hand they are characterised by persistent structures, practices and discourses of discrimination, exclusion, exploitation and division. What is crucial regarding this dual nature is that the exclusion, discrimination, exploitation and de-privileging of certain populations are not anomalies of the modern Western liberal-democratic socio-political system but its constitutive elements (Bracken 1978: 241–60; Foucault 2003b; Foucault 2009; Goldberg 2002; Hindess 2001: 93; Losurdo 2011; McWhorter 2009; Stoler 2002).

Formal democratic political participation was implemented simultaneously with the genesis of the global capitalist and imperialist system (subjugation and exploitation of non-western populations). These processes were intertwined with the establishment of new forms of socio-political organisation (liberal nation-state and capitalist mode of production) based upon new disciplinary and biopolitical technologies and techniques of power and correlative knowledges<sup>1</sup> (Foucault 2003a; Foucault 2003b; Hindess 2001: 93; Mudimbe 1988). These technologies and techniques enabled an unprecedented decentralisation, dispersion and penetration of power. Power functioned not only as a repressive force and in a top down, hierarchical way, but predominantly as a productive force (creating specific bodies) and in a capillary way by reaching into individuals and functioning through them by conducting their conduct (Foucault 1978; Foucault 2009; Nadesan 2008). This was essential for the establishment of the (industrial) capitalist mode of production, which requires disciplined (docile, effective, useful) bodies and self-interested subjects competing on the open market. Furthermore, it was essential in the context

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<sup>1</sup> Modern power is founded upon and in turn produces knowledge. Through knowledge, objects, subjects, issues and relations become visible to technologies and techniques of power (Foucault 1978).

of re-establishing the social order and securing internal pacification of a society that was radically destabilised through violent socio-political revolutions (Foucault 1978).

What should be stressed is that the subject of democratic political participation – the citizen – was itself the product of specific practices and discourses and limited to a specific socio-political group (Banjac 2010: 669–88; Burchell 1995: 540; Foucault 1977; Foucault 2009). The only group of individuals that was from the outset established as fully capable of democratic participation was the group of white, affluent, sane, bourgeois, heterosexual, non-disabled men. The ascribed and identified characteristics of these individuals were established and perpetuated as the central norm of modern socio-political arrangements (Stoler 2002). Hence in the context of the genesis of the modern liberal-democratic arrangement only a small minority of individuals acquired full political subjectivity and full citizenship (Glenn 2002; Hindess 2001: 93).

This process was intertwined with the constitution of the modern liberal nation-state and the nation. The nation was simultaneously constituted as a central modern collective identity (as an anchor of the individual's identity) and as an object of modern power's intervention. That is, the nation was constituted as a population, a biological phenomenon that requires continuous biopolitical regulation and resides in a specific territory (Foucault 2003b; McWhorter 2009; Mendieta 2007: 138–52; Nadesan 2008; Stoler 2002).

In this simultaneous establishment of the liberal subject and the nation we can discern that one of the crucial characteristics of modern power is its simultaneous individualisation and totalisation (Foucault 2001). Both of these processes serve a specific central objective of modern power, i.e. the welfare, development and security of the nation/population. At the level of the individual this objective is to be achieved through the disciplining and managing of the individual bodies and by establishing conditions for the free activity of citizens. At the collective level this is to be achieved through biopolitical regulation of general processes that affect the population such as rate of reproduction, longevity, mortality, economic production/circulation/accumulation and illness (Foucault 2003b; Inder 2005). In this context the idea of regulation of illness was intertwined with notions of purity, authenticity and nativist notions that are present in nationalist myths as well as the notions of heredity and degeneracy that were materialised in various medical and social public policies (Foucault 2003b; Nadesan 2008). But the starting point of all these notions was the notion of normality(norm)/abnormality that formed the basis for the biopolitical regulation of population(s) and individuals (Foucault 2003a; McWhorter 2009). Who or what populations were and are established as normal in the context of a specific territory was and is the outcome of the continuous operation of various modern racist and other discriminatory practices and discourses tied to specific normalising technologies and techniques of power and their correlative knowledge(s), and pertinent to modern liberal nation-states that (re)inscribe boundaries/borders between specific individuals and populations and situate them on the hierarchically structured normality (superiority) / abnormality (inferiority) continuum (Dillon and Neal 2008; Hindess 2001: 93; Reid 2006: 127–52). In the context of the modern biopolitical rationality the severe regulation of abnormal individuals and populations is established as an inevitability not only for the normal population's (nation's) survival but also for its health, progress and welfare due to the perception that these populations and individuals could and would if not regulated contaminate and endanger the normal population and its future that is being secured by the liberal nation-state (Foucault 2003b; Weitz 2003).

The crucial problem that biopolitical regulation faces is the paradoxical, dialectical, fluid nature of boundaries and borders between the normal and various abnormal populations and individuals. These boundaries and borders, although presented and perceived as clear and unproblematic as well as unchangeable, had to be historically inscribed. But even after they are inscribed they have to be continuously policed and re-inscribed due to the processes of constant negotiation of these boundaries and due to the resistance and socio-political struggles of those that were constituted as more or less deviating from the norm and normality. Although resistance is always possible and is continuously enacted, that does not mean that resistance in regard to normalisation practices and practices of exclu-

sion is always progressive and destabilizing for existing hierarchical social relations and discriminatory practices (Foucault 1978).

## THE SPECIFIC CHARACTERISTICS OF THE AMERICAN LIBERAL NATION-STATE

Although migrations played a crucial role in the establishment, development and transformation of the modern Western liberal nation-state and the global capitalist system (Balibar and Wallerstein 1991; Games 2009), the role of immigration and immigrants in the process of the constitution and development of the American liberal nation-state is even more central.

Firstly, the American liberal nation-state was established by British colonial settlers who together with other European settlers won the war of independence against the British and managed to become the first independent modern European colony and one of the first states with democratic political institutions based upon individual freedoms, civic and political rights, sovereignty of the people and representative government (Losurdo 2011).

Secondly, a substantial part of the population, i.e. the black slaves, who provided the crucial labour force that enabled not only political but economic independence of the new state by providing conditions of possibility for the development of fundamental industries, were also immigrants, but in contrast with the European immigrants whose migration was predominantly voluntary their migration was involuntary. The un-free labour of black slaves was foundational for the US capitalist economy (Fields 1990: 95–118; Glenn 2002).

Thirdly, the major expansion of the territory of the US was enabled by the forced migration (in certain cases elimination) of the native population of the territory of the US, the Native Americans (Calavita 2007: 1–20; Horsman 1981). Fourthly, the territorial expansion of the US was enacted also through wars against Mexico that resulted in forced and voluntary migration to Mexico from the occupied territory (Texas, California) and in 'non-physical' migration of a substantial population from the sovereignty of Mexico to the sovereignty of the US. Fifthly, for its development into an economic and geopolitical super power the US needed a constant flow of immigrants from all parts of the globe to populate its vast and empty territories and to ensure the labour force needed by the burgeoning American economy. Immigrant labour was instrumental in the transformation of the US from a rural, agrarian society to an urban, industrial superpower. In this context immigrants represented a reserve of cheap labour that was fundamental for this transformation. The US is the only developed country that has substantially relied for its economic development on the labour of immigrants from Africa, Latin America, and Asia (Glenn 2002).

Finally, the voluntary migration of English and other European immigrants represents a constitutive part of the historical and contemporary processes and practices of the establishment, articulation, proliferation and popularization of the origin myth of the American nation and the American national identity. As David Gerber (2011: 1) observes, one of the crucial elements of this myth is the notion that Americans did not become a nation by accident. Depending on the intellectual frames that are co-constitutive of this myth (liberal, Christian-providential and racial), America became a nation by the free choice of those who choose to live in a democratic republic to which they swear allegiance and/or by the hand of providence that guided the chosen people to the promised land, the new Canaan and/or the unstoppable historical movement of civilization that travelled from Asia and the 'Asian' race to Europe and the 'white' race, and finally reached its apex in North America and the 'Anglo-Saxon' branch of the 'white' race, which was historically and/or naturally predisposed to rule the American continent and subsequently lead the world into a new era of progress and/or establish global dominance (Feagin 2001; Feagin 2010; Gerber 2011; Horsman 1981; Lipsitz 1995; McWhorter 2009). We can discern that the involuntary migrations of black slaves and migrations of people from non-European parts of the

world that substantially affected the present composition of the population of the US is predominantly silenced and de-legitimated as a central process that formed the population of the US in the context of the articulation of the American national identity. The actual heterogeneity of the population of the US and the multiple historical forms of the migrations that constituted it is absent from the predominant use of the word "Americans", which is routinely, if predominantly unconsciously used to mean "white Americans of European descent" (Feagin 2010). This demonstrates that only a specific part of the US population, a part conceived as descending from European immigrants and more specifically from immigrants from Northern Europe (especially England) was established and is conceived, perceived and presented as having an undisputed, objective, unproblematic right to represent the American nation, as having the sole right to reside on and as being naturally connected with the American territory, and as the only descendants of immigrants to become proper, normal Americans. In other words, this part of the population represents the collective norm (normality) of the entire American socio-political arrangement. It represents the central American biopolitical category and the population whose fostering, development and protecting is the central objective of the American liberal nation-state (McWhorter 2009).

But as we have already pointed out, no nation, population, or biopolitical category has natural, fixed and ahistorical boundaries. The boundaries of the 'proper' American (white, Anglo-Saxon, protestant) population/nation are the result of heterogeneous, dynamic and multidimensional historical processes and their continuous (re)inscription, (re)articulation, re-establishment, normalisation and policing in various sites and spaces and through multiple technologies and techniques of power and their correlative knowledge(s) as well as technologies of the self, organised in the context of specific *dispositifs* of power-knowledge of the American liberal nation-state. A *dispositif* is a specific dynamic system of relations among specific institutions, regulations, discourses, knowledge(s), technologies of power, spaces, architectural forms and technologies of the self, which are organised and in a specific historical and geopolitical context stabilised in regard to specific strategic functions. They are constantly evolving and incorporating new elements (Foucault 1980). Among various *dispositifs* present in the context of the American liberal nation-state we can identify the nationalist and racist *dispositifs* as crucial for the (re)establishment of the American nation and citizen. Their primary strategic functions can be identified as homogenising and normalising the population(s) according to a specific norm, establishing borders among specific biopolitical categories of the American liberal nation-state and thereby establishing these categories, establishing and securing the social order and cohesion and fostering loyalty to the American nation and the State, establishing, perpetuating and legitimating specific relations of inequality, exploitation, exclusion or hierarchical inclusion, and discrimination of certain socio-political groups and normalising the privileges of other groups.

In order to understand the role that immigrants and their regulation played and plays in the American socio-political and economic context, we have to address the specific characteristic of the American racist and nationalist *dispositif*.

## THE AMERICAN RACIST *DISPOSITIF*

From the outset the US was a *racist state* (Goldberg 2002) that was organised in the context of a specific continuum of superiority-inferiority, where two central extremes, two central biopolitical categories, a norm/normality and an anti-norm/abnormality were established and inscribed into the American society in order to enable and legitimize the exclusion, exploitation and discrimination of certain groups and establish and secure the dominance and privileged position of others. This was crucial in the context of the establishment of a democratic American republic that legitimated its revolution and its independence on the grounds of securing individual freedoms, ensuring the respect of civil and political rights, political representation, separation and limitation of powers, and equality with regard to the rights of

all American citizens (Feagin 2001). The American socio-political arrangement whose fundamental basis was a democratic political system that rejected every hereditary claim of individuals had to, in order to secure and legitimise the oppression, exploitation and discrimination of certain groups, establish a hereditary superiority of races and consequently naturalise these biopolitical categories.

As various authors argue (e.g. Calavita 2007: 1–20; Feagin 2001; Feagin 2010; Glenn 2002; Losurdo 2011; McWhorter 2009), the US was from its establishment until the mid-1960s a formal master-race democracy with massive legal discrimination that ranged from chattel slavery to legal segregation. For instance, the first citizenship law of the young American republic explicitly established that only white people could become naturalized citizens (Feagin 2010; Gerber 2011).

In fact, citizenship laws and policies played and play a crucial role in establishing boundaries among specific socio-political groups of the US population and in establishing biopolitical categories and the asymmetrical relationships of power among them. Together with other racist technologies and techniques of power and correlative knowledge(s) they established and inscribed the norm of the American socio-political arrangement. The central norm that was established and inscribed was the norm of the *white*, affluent, independent man, who is superior to other races and to women, who is rational, hard-working and active, who is the proper and unquestioned *master of the national space*, an enactor of law, a governor of the nation and responsible for its progress. He is an individual that carries the American creed of liberty, individuality and independence (Feagin 2010; Glenn 2002; Hage 2000). As Ruth Frankenberg (1996: 62–77) stresses, *Whiteness* and *Americanness* have been established as inextricably linked normative and exclusive categories, in relation to which all other socio-political groups are identified, marginalized and discriminated. But whiteness was not established in isolation. The establishment of this norm was inextricably linked to the establishment, perpetuation and inscription of the anti-norm into the discriminated, exploited, marginalised socio-political groups, namely the anti-norm of *Blackness*, the biopolitical category of blacks. The anti-norm of blackness was discursively established through specific ascribed traits. Blacks were perceived as anatomically different/inferior, as bestial, smelly, apelike and childlike. Additionally, they were conceived as unintelligent, uncivilized, immoral, criminal, dangerous, lazy, oversexed, ungrateful and rebellious, living in abnormal families (multi-generational/single-parent). They were perceived as unsuitable for democratic citizenship as well as alien and a potential biological, economic, social, cultural and political danger and disease (Cohen 1980; Curtin 1964; Feagin 2001; McWhorter 2009; Nadesan 2008). Together these representations (statements, images etc.) that established, proliferated and perpetuated the norm of *Whiteness* and the anti-norm of *Blackness* form a specific discursive field and a historical archive of representations that represents the conditions of possibility for contemporary conceptions and perceptions of the majority and specific minorities and immigrants. They constitute a crucial part of the American racist *dispositif*, namely its discursive field: a *white racial frame* (Feagin 2010) through which every socio-political group in the US population is conceived and situated. Whiteness and blackness represent the extremes of the hierarchical continuum of the American socio-political arrangement. The central importance of this normative dichotomy for the establishment, proliferation and persistence of other American biopolitical categories, its status as a template for other relations among American biopolitical categories and the specific position of blacks as the prototype of otherness against which other minorities and immigrants are compared and juxtaposed has been demonstrated by numerous authors (e.g. Calavita 2007: 1–20; De Genova and Ramos-Zayas 2003: 18–57; Kim 1999: 105–38; Ong 1996: 737–62; 2003). This white-black dichotomy can be attributed to specific and diametrically opposed socio-political and economic positions of English settlers and black slaves that were gradually established in the colonial context and strengthened after the constitution of the American republic. While the English settlers dominated socio-political and economic institutions of the colonies and of the independent republic, the black migrants were from the start the most subjugated socio-political group. They were the only socio-political group that migrated involuntary and they were dominated and exploited in larger numbers than other immigrants (Feagin 2001; Lipsitz 1995).

But in this context we must be careful not to ascribe naturalness and objectivity to specific biopolitical categories. Although the biopolitical category of white (American) and black (later African-American) seem from the point of view of ascribing membership in a specific category to certain individuals unproblematic and objective, the historical and contemporary socio-political realities of categorisation reveal the elusiveness and instability of markers of differentiation. In light of the propensity of populations to mix, blend and blur visual markers as well as individual and collective struggles and resistance against specific categorisations that had and have implications for the life-chances and opportunities of individuals and socio-political groups, these categorisations reveal themselves as fields of continuous socio-political struggle.

In other words, the central norm and anti-norm and the biopolitical categories have to be historically established and continuously (re)established, reinscribed, perpetuated and policed through the workings of the racist *dispositif* and its heterogeneous elements, ranging from legal, political, public and scientific discourses (on racial categories and their implications), specific disciplinary and regulatory spaces (families, schools, public spaces, factories etc.), to mass media and technologies and techniques of power (e.g. citizenship laws, censuses, documentation, segregation, ghettoization, social transfers), from structural macro differentiation to micro practices of privileging and discrimination present in the everyday actions of socio-political groups and individuals (Lipsitz 1995; McWhorter 2009; Nadesan 2008)

The multiple elements of the racist *dispositif* continuously racialize/categorise individuals and socio-political groups, thereby shaping everyday relationships, life-chances and opportunities of these individuals and groups by simultaneously giving and legitimizing unequal access to resources (material and symbolic) of specific biopolitical categories (races). The heterogeneous nature and the multidimensionality of the racist *dispositif* had and has crucial implications for understanding the historical persistence of the white-black dichotomy, its continuous transformation and adaptability to various resistances and struggles of specific socio-political groups and individuals against their discrimination, deprivilegation and marginalisation that they experienced as a consequence of being categorised into intellectually, socially and culturally biopolitical categories perceived as inferior.

Firstly, the heterogeneous and multidimensional nature of the racist *dispositif* was and is instrumental in the continuous re-establishment and re-inscription of the white norm in the face of the removal or limitation of certain formal racist technologies and techniques such as the restriction of full legal citizenship to white persons, which was achieved through historical struggles of discriminated socio-political groups. Secondly, these resistances and struggles (e.g. the white workers' struggle for political rights and the struggle of non-Northern European immigrants), although redrawing the boundaries of specific biopolitical categories, specific races and transforming the racist *dispositif*, predominantly neither subverted nor destabilized the central white-black dichotomy, nor (due to the adaptability of the racist *dispositif* and the American liberal nation-state and their technologies and techniques of power) were they radically destabilising and threatening to the asymmetrical power relations, asymmetrical distribution of wealth, relations of exploitation and discrimination and the overall socio-political order and cohesion of the US (Feagin 2010; Glenn 2002; Ignatiev 1995; Roediger 1999). The majority of the excluded socio-political groups in fact struggled for inclusion by establishing themselves as different from blacks. They employed a marginally altered *white racial frame* through which they represented themselves as independent, free, hard-working (the perceived and perpetuated characteristics of the white elite) by simultaneously distancing themselves from the coloured population (slaves and free blacks), whom they conceived as dependent, lazy (criminal) and non-white (Feagin 2010; Roediger 1999).

## THE AMERICAN NATIONALIST *DISPOSITIF*, AMERICAN CITIZENSHIP AND THE AMERICAN NATION

Although many of its heterogeneous elements are intertwined with the racist *dispositif* and it shares with it many discursive practices, statements, technologies and techniques of power and correlative knowledge(s), in contrast with the racist *dispositif*, the nationalist *dispositif* is characterized by an inner tension regarding the imagining of the American nation and American citizenship. Even though formal citizenship was and is considered and perceived as necessary condition for inclusion in the American nation and represents a crucial technique of division and discrimination, the possibility of its attainment and its actual power to secure full membership of the individual in the American nation has been and is made problematic by the two diametrically opposed conceptualisations of American citizenship and the American nation. On the one hand there were and are the consensual and egalitarian conceptualisations based upon ideas of democracy, liberty, equality of opportunities and individual achievement that determine membership in the American nation. Consequently, the American nation was and is conceptualised as an inclusive democratic community of free and independent individuals (Citrin, Reingold and Green 1990: 1124–54; Smith 1988). These conceptualisations to a certain extent provided one of the conditions for the possibility of the struggle of discriminated and excluded socio-political groups for inclusion and the conditions for the possibility of the transformation of certain formal regulations. They also provided and provide hope for immigrants that they will be accepted, included and offered opportunities to succeed.

On the other hand and in view of the historically predominant conceptualisations and practices of citizenship, the bordering of the American nation and American citizenship, there were and are conceptualisations that posit an ascriptive Americanism. These conceptualisations emphasize the notion of Americans as special people endowed with superior intellectual and moral traits associated with certain ascriptive traits such as religion, gender and race (Smith 1988). In this context it is crucial to point out that these conceptualisations predominantly conceive the racial character of the American nation as a specific branch of the white/Caucasian race, namely Anglo-Saxon. To be a full member of the American nation, to have full citizenship one had and has to be of the Anglo-Saxon race. As the central racial referent of the American nation, the Anglo-Saxon race is in this conceptualisation established as inherently superior to other races and as the sole reason for the superiority of American political institutions, its economic progress and the manifest destiny to conquer and/or dominate the entire globe. Democratic political institutions and individual freedoms are conceived as being inscribed in the blood, and therefore only Anglo-Saxons possessed the moral and intellectual qualities required for democratic citizenship (Citrin, Reingold and Green 1990: 1124–54; Horsman 1981).

What needs to be pointed out is that although racial exclusion and hierarchical stratification was central to the history of American citizenship and the American nation, the American nation is predominantly perceived as having been and being determined by universal inclusion and egalitarianism and not in any way tied to specific race or gender (Glenn 2002). This specific mythological interpretation of history is one of the central elements of the American national mythology through which the American nation is imagined and perceived nationally and globally.

Consequently, it is one of the crucial elements of the nationalist *dispositif* through which the American nation was and is continuously (re)established and through which clear boundaries between the membership and non-membership of certain socio-political groups in the American nation are established, inscribed and proliferated.

It is perpetuated in political and public discourses (mass media), entertainment (films, literature) and through the academic writings of crucial American social scientists (Lipsitz 1995). It is materialised



in central national symbols such as the Statue of Liberty and in certain daily practices such as the *Pledge of Allegiance*.

Two things are crucial regarding the nationalist *dispositif* and specifically the aforementioned selective/mythologizing historical memory. Firstly, the nationalist *dispositif* enacts continuous processes of the whitening of American history in the sense of making American history an essentially white history and in the sense of cleaning history of the rivers of blood that were the result of oppression (slavery, land grabbing), killings and genocide that accompanied the modernisation of the US. This has the function of silencing certain historical conflicts and antagonisms by (re)inscribing the boundaries of the American nation through homogenising the experience of socio-political groups perceived and conceived as white. Regardless of their actual inequalities, the perceived and acknowledged members of the American nation can conceive of themselves and be conceived of as sharing a destiny, a common interest, beliefs, culture and blood (Poole 1999). On the other hand it excludes the experiences of other socio-political groups and intensifies conflicts and transfers these antagonisms onto the territorial and biopolitical borders between white/Americans and non-white/not-quite or non-Americans. In this context it articulates and establishes the idea of the dangerousness of certain socio-political groups whose regulation and/or removal is crucial to the prosperity and future of the American nation. Modern power cannot operate without establishing boundaries between the population that has to be fostered and the populations that represent a threat and danger to this population which is perceived as homogenous (Anderson 1991; Balibar and Wallerstein 1991; Greenfeld 1992; Hobsbawm and Ranger 1983; Marx 2003).

Secondly, although it is a constitutive part of the American liberal nation-state, the nationalist *dispositif* together with the American racist *dispositif* operates on the global level (e.g. through Hollywood films, consumer goods) hence proliferating and popularising the whitened, liberal, freedom-loving, land of opportunity self-perception of the US among global populations whose immigration to the US is crucial for the functioning of its capitalist economy (Glenn 2002). It also establishes a specific referential frame for potential immigrants of what to expect, how to position themselves, which category is superior, the norm, the part of the population which must be emulated and the part(s) and socio-political groups established as problematic and therefore dangerous (Gregory and Sanjek 1996; Merry 2003).

## **THE MULTIDIMENSIONAL, HETEROGENEOUS AND COMPLEX ROLE(S) OF IMMIGRATION REGULATION AND IMMIGRANTS IN THE AMERICAN SOCIO-POLITICAL AND ECONOMIC CONTEXT**

Building upon the analyses of the complexity of the modern socio-political arrangement and the American liberal nation-state, this final part of our analysis will explore the multidimensional, heterogeneous and complex roles of immigrants and immigration regulation. These can become visible and understandable precisely through a broader examination of the general characteristics of the Western socio-political arrangement and the specific characteristics of the American liberal nation-state.

In this final section we will focus upon the role of immigrants, more specifically on groups and individuals who through the formalised regulation of their entry into the US since the second half of the 19<sup>th</sup> century have been established, categorised, classified, documented, regulated, conceived and perceived as immigrants.

There has been limited regulation of immigration since the establishment of the American republic. But not until the late 19<sup>th</sup> century was the regulation of immigration established as a legitimate and central concern and a field of substantial intervention of the federal government. Before that immigration was regulated by local authorities at crucial entry points into the US, especially ports (Brickner

and Hanson 2003: 203–37; Dow 2004). The beginning of the federal regulation of immigration can be located in the 1870s when the economic boom in California that attracted a large number of Chinese workers ended. The Californian economy was confronted with a severe economic depression and the white (Anglo-Saxon) workers perceived that their living standards were threatened by the low wages acceptable to many Chinese workers. Consequently, white workers began protesting against the presence of Chinese workers and further Chinese immigration. But their protests were not effective until certain processes and elements converged in the 1880s and 1890s. In this period, workers' protests were beginning to take effect due to the political opportunism of certain political elites who depended on the workers' votes, a certain fear among American elites of potential disorder, violent upheavals and the destabilisation of existing hierarchical social order based upon worker exploitation, the appearance of new scientific theories of racial differences that intertwined with a new understanding of diseases, heredity and degeneration and the rise of ideas of biopolitical regulation of the population that were proliferated by the increasing popularity and importance of the eugenics movement (Higham 2002; Lee 2003; McWhorter 2009; Ong 1996: 737–62; Salyer 1995). As Lucy Salyer (1995) observes, (pseudo) scientific findings that depicted the Chinese as biologically incapable of democratic citizenship and a "yellow peril" to America's bloodstream gained general acceptance among the American elites and the general population.

In subsequent years other immigrants were established in (pseudo)scientific theories that informed the political and public debates and policies as naturally lacking the capabilities needed for acquiring legal citizenship and as a danger to the healthy, superior American population (Higham 2002; Lee 2003; Nadesan 2008).

The issue of biopolitical regulation of immigration became not only a legitimate political issue but a central one. It became and remains a central political issue because simultaneously with the establishment of Chinese and later other immigrants, depending on their perceived position in the American racial hierarchy as a biopolitical threat or capable of hierarchical integration, the boundaries of American citizenship and nation were and are drawn, their perceived characteristics (cosmopolitan, exclusive-ascriptive-unchanged racial/cultural core), core values (individualism, independence, homogeneity, nativism) and visual/biological markers (whiteness, masculinity) and consequently the norm was (re) articulated and defined. In this context the experience of acknowledged members of the biopolitical category of whites was homogenised, the frustration of the white workers was redirected and their resistance was de-radicalised, which not only limited the threat to the existing American socio-political and economic hierarchy and order but strengthened and reinforced the racist nature of this hierarchical order. That the regulation of immigration and immigrants still plays a central role in American political debates can clearly be observed in various contexts from presidential elections to state and local elections, from the federal level to the local and community levels, from formal politics to political movements (e.g. the Tea Party). The issue of immigration and the status (rights) and membership of immigrants remain crucial contexts where the boundaries of the American nation and citizenship are drawn, where a socio-political battle rages between two central conceptions of the American nation and citizenship. In other words, it is one of the crucial issues where continuous (re)definition is performed regarding the boundaries and characteristics of Americans (Brickner and Hanson 2003: 203–37; Carter, Green and Halpern 1996: 135–57). That this issue is crucial for America's self-definition can also be observed in scholarly works, which due to their perceived objectivity and neutrality have substantially influenced public and political debates and play an important role in the nationalist and racist *dispositif* in re-establishing and perpetuating the biopolitical boundaries. In this context one of the crucial works is Samuel Huntington's *Who Are We?*, not only due to its being widely cited and discussed, but even more so due to its arguments regarding the boundaries of the American nation and American citizenship and the dangers that they are facing. Huntington rearticulates the norm of the American nation and American citizenship that we identified and explored in the previous sections, namely the norm of the white Anglo-Saxon male. However, due to the de-legitimisation of explicit racial hierarchies since

the 1960s (Balibar and Wallerstein 1991; Barker 1982), he replaces the concept of race with the concept of culture that functions similarly as race. Culture becomes nature in his arguments, where he posits that there is a centuries-old unchangeable core of American culture that is and must remain Anglo-American (Anglo-Saxon). In this context he establishes the non-assimilation of Mexican immigrants as the crucial danger for the future prosperity of the US (Huntington 2004) and consequently establishes them as a biopolitical threat to the proper American population whose members are proper American citizens subscribing to the American creed of liberty and independence. Simultaneously, he implicitly positions himself, a white, affluent Anglo-Saxon male, as being a universal representative of the American nation.

By drawing upon a discursive archive of statements and the universal norm of the American liberal nation-state established historically and in the context of the nationalist and racist *dispositif*, he articulates a clear and unproblematic dichotomy between proper Americans (who are established as white, independent, moral, intelligent, rational, hardworking, democratic, live in normal nuclear families, name their children Michael, eat ketchup etc.) and Mexican immigrants (who are established as dark-skinned, irrational, lazy, live in multigenerational or single parent families, name their children Jose, eat salsa etc.) that parallels the white-black dichotomy (see Huntington 2004). In this context, Mexican immigrants are established as non-citizens and as non-members of the American nation, as a danger to it and as simultaneously and in a certain sense perversely responsible for their own exclusion from the American nation that is despite its exclusionary and discriminatory history in Huntington's argument imagined as based upon inclusion and equal opportunities for all and therefore on the homogeneity of experiences (Johnson and Hing 2005: 1347–90).

What is crucial is that the (re)articulation and the (re)establishment of boundaries between the proper American nation and citizens and specific biopolitical categories such as Chinese, Mexican and other immigrants did not destabilise the central coordinates of the American liberal nation-state, namely the white Anglo-Saxon norm and the white-black dichotomy which evolved and were reinforced. The white-black dichotomy was made more complex (various categories of non-whites and whites) and became even more embedded through the development of specific technologies and techniques of power and correlative knowledge(s) in the contexts of the implementation of the regulation of immigration and immigrants. As various authors (Calavita 2007: 1–20; De Genova and Ramos-Zayas 2003: 18–57; Feagin 2001; Glenn 2002; McWhorter 2009; Ong 2003; Santa Ana 2002) demonstrate, immigrant racialization and African-American racialization have been integrally connected. For instance, the congressional debates over Chinese exclusion in the 1880s were replete with references to African-Americans as incapable of democratic citizenship, not being proper members of the American nation and being a burden and a threat (Calavita 2007: 1–20).

The federal regulation of immigration began with the adoption of the Chinese Exclusion Act (1882), which suspended Chinese immigration to the US. The act constituted a crucial precedent by institutionalising biopolitical rationality as central to immigration lawmaking and the regulation (restriction, prevention) of immigration in the sense of establishing racial categories and racist hierarchies in order to foster the superior American population and limit contagion, dangers and threats (Lee 2003; Salyer 1995). By being enshrined in law and implemented in practice, the biopolitical rationality and racial categories and hierarchies were in a dialectical way legitimated in the eyes of the general American population (Glenn 2002).

But the central turning point in the regulation of immigration in the US was the Immigration Act of 1891. This was the first comprehensive immigration law and it established a centralized institution, the Bureau of Immigration, which was given the right and responsibility to enforce immigration laws (Brickner and Hanson 2003: 203–37).

The Act was an unambiguous statement of the centralized authority of the federal government (Gerber 2011). It formally assigned responsibility for the biopolitical assessment of individuals seeking entrance to the national government, which was consequently established as the guardian of the American nation and the American territory. The establishment of federal immigration regulation was

central to the maturing of the American liberal nation-state. It legitimated the centralization of authority in the eyes of the American public through the codification of biopolitical concerns and it resulted in the gradual development of a massive bureaucratic machine that was needed to enforce federal immigration laws (Lee 2003; Nadesan 2008). The federal regulation of immigration was simultaneously an exercise of sovereignty at the territorial borders of the US and an exercise of biopower in the sense of establishing and inscribing, perpetuating and policing the boundaries between the American nation and American citizens and different categories of immigrants established as more or less biopolitically beneficial or threatening to the prosperity of the American nation and its members.

What has to be stressed is the central role that the regulation of immigrants and immigration played in the process of establishing the American nation as a biopolitically imagined community and establishing the legitimacy, the central authority and the capacity of the American liberal nation-state to biopolitically regulate the American population (McWhorter 2009; Nadesan 2008). The immigrants were one of the first parts of the US population to be exposed to the massive bureaucratic procedures of the state apparatuses. They served as “experimental” subjects to multiple, multidimensional and novel technologies and techniques of power and knowledge production. For instance, the Chinese immigrants were the first part of the US population that was disciplined through documentation. They were the first group that had to obtain a “certificate” that identified them (Brickner and Hanson 2003: 203–37). Immigrants were also the first to be subjected to IQ tests that were later applied to the entire American population. The implementation and the functioning of the IQ test was and is a specific template for the wider implementation and functioning of other technologies of power due to their dual role as a technique for the production of knowledge on immigrants and identification/bordering of dangerous populations and the calculation of the dangers they pose to the normal and healthy American population, and a technique of power that disciplines immigrants and whose published results manufacture fear of degeneracy among the American population (Dowbiggin 1997).

The context of the regulation of immigrants and immigration was one of the crucial contexts of the gradual development of technologies and techniques of power and correlative knowledge(s) that were later implemented and employed for regulating, controlling, disciplining and surveillance of the entire American population and its homogenisation and normalisation, whereby the boundaries between the proper American population/nation and the not-quite normal and/or abnormal parts of the population and populations was continuously re-established and inscribed into the bodies of individuals (McWhorter 2009).

Whereas certain techniques of power and knowledge production were later applied to the entire American population, others such as immigration quotas, visas, asylum, retroactive enforcement of laws, naturalisation procedures, continuous detention and deportation were primarily or exclusively used upon immigrants. But these techniques had and have wider implications for the continuous processes of drawing boundaries between the American nation and American citizens and individuals or groups established and perceived as not-quite or non-members and non-citizens; they perform continuous biopolitical regulation by classifying, categorising, identifying, calculating the risks/dangers, regulating/preventing/removing potential dangerous for the health of the American nation, its social order and cohesion, its political and social institutions and consequently securing them. They continuously establish and promote a sense of security among the general American public and the complementary sense of insecurity that has to be addressed through the regulation of immigration and immigrants. By establishing/representing/regulating immigrants variously as a biopolitical peril, communists/anarchists (since the October Revolution and during the Cold War), criminals (since the Reagan administration) and terrorists (especially since 9/11), they visualise/materialise tangible threats to the American nation and establish and reinforce the perception of the American state apparatuses as being able to secure the American territory and the American nation and its socio-political institutions. This became even more crucial in the context of globalisation processes and neoliberal socio-political transformations of the American society that represented the state not as a solution for socio-political issues but as

a problem. Furthermore, these technologies and techniques have racialized (until 1952 and the removal of racial barriers for immigration) and criminalized immigrants and securitized and depoliticized the issue of immigration (Diken 2004: 83–106; Pikalo and Trdina 2009: 41–62) in the sense that immigrants are predominantly established as a calculable potential threat that needs to be more or less severely regulated depending on threat level calculations. Hence it is paradoxically a central political issue that is thoroughly depoliticized through specific threat calculations and statistics perceived as objective.

Due to certain historical processes, events and struggles (e.g. WWII, the de-legitimisation of explicit racist theories and hierarchies, the civil rights movement) and the specific historical political context, some technologies and techniques have been removed (e.g. race-based quotas, retroactive enforcement of naturalization laws) while others have evolved (e.g. quotas, visas, deportation). In this context the persistent central importance of formal American citizenship as a technology for bordering the American nation has to be emphasised. Although the status of formal American citizen if it is acquired by immigrants disables some technologies for regulating immigrants (e.g. it removes the possibility of deportation) (Dow 2004), this did and does not mean that individuals who were established and perceived as non-members of the American nation through other technologies and techniques enjoy the same protection of rights as a citizens conceived and perceived as full members of the American nation. For instance, the historical example of the incarceration in concentration camps of Japanese-Americans and the recent example of continuous surveillance and formalised discrimination of Arab-Americans despite their formal citizenship status (Engle 2004: 59–114).

In addressing the role of the regulation of immigrants and immigration and the roles played by immigrants, we must not forget the very important role that they play in the context of the American economy. The technologies and techniques of biopolitical regulation and capitalist accumulation were and are inextricably linked and not only operate simultaneously but certain technologies and techniques also perform both functions (e.g. restrictive immigration quotas) in the sense of establishing biopolitical categories, thereby establishing and inscribing boundaries between the full members of the American nation and the not-quite or non-members, as well as calculating their potential threat and on the other hand providing the American economy with the needed cheap racialized labour of immigrants. These technologies and techniques co-produce a specific category of discriminated workers. Certain industries such as agribusiness, the sweat trades and the service sector rely substantially on not only legal but illegal immigrant labour (Alexseev 2006; Cohen 2006; Dow 2004; Simon 1999). Agribusiness could not be profitable without employing a large immigrant labour force that is expendable, cheap and non-organised, and which is in certain areas predominantly illegal and therefore lives in constant fear of detention and consequent deportation, and which can be easily employed as an instrument to put pressure on American workers (Dow 2004). Technologies and techniques for regulating immigrants and immigration not only provide indirect profits for private businesses, but also direct profits due to the privatization of immigrant detention centres and the increasingly restrictive immigration policies and practices that have produced a large population of illegal immigrants and ensure a growing number of inmates and consequently a continuously increasing flow of profits (Diken 2004: 83–106; Dow 2004). Illegal immigrants also play an important biopolitical role as a materialised threat, an object to redirect the anxieties and dissatisfaction and anger of (white) workers and American citizens and as object through which the boundaries of the American nation are drawn (Kerber 2007: 1–34; McWhorter 2009).

Immigrants also play a crucial role as active subjects and relays of power in the context of regulation of immigrants and immigration as well as in the functioning of the American liberal nation-state. On the one hand they are crucial as economic subjects not only as workers but also as consumers, taxpayers and savers (Simon 1999). On the other hand they are crucial relays of power in re-establishing, re-articulating the biopolitical categorisations, the white (Anglo-Saxon) male norm, the white-black dichotomy, the socio-political hierarchies and the consequent functioning of the racist and nationalist *dispositifs*. In their striving to be integrated into the American society, to become hierarchically included into it and in their resistance to their negative representations in the general public, immigrants em-

ploy the white racial frame and reinforce the white-black dichotomy by proclaiming their distance from African-Americans. They struggle for recognition and acceptance and integration through denigrating African-Americans by employing similar negative representations for blacks (lazy, welfare dependent, privileged) and self-representations (hard-working, tax-paying, independent and self-reliant) as the white majority or 'proper Americans', thereby despite resistance reinforcing the dominant socio-political order, exclusion, exploitation and hierarchical inclusion (Calavita 2007: 1–20; De Genova and Ramos-Zayas 2003: 18–57; Ong 1996: 737–62; Salyer 1995).

## CONCLUSION

By firstly analysing the general characteristics of the modern Western socio-political arrangements and the specific characteristics of the American liberal nation-state, the article established a complex analytical frame that enabled the identification and analysis of the multiple, heterogeneous and complex roles that immigrants and immigration and their regulation played in the historical and contemporary American socio-political context. This analytical frame enabled us to analyse the specific roles that certain historically established categories of immigrants played and play in the American context, why they play these roles and what the central implications of their roles are. We argued that immigrants and immigration were crucial to the establishment of the American republic, that specific immigration and immigrants (white, English) were established as the core and the norm of the American nation and its mythology while others were established as the anti-norm (black), and that immigrants played and play a crucial function of establishing the boundaries of the American nation. Furthermore, we argued that immigration and immigrants played a central role in the economic development of the US and that the regulation of immigrants and immigration was crucial for the development of the American state apparatuses, for legitimating biopolitical regulation of the American society and for developing capabilities for the regulation, disciplining, controlling and surveillance of the entire US population as well as establishing capabilities for the continuous re-inscription of borders between the proper American nation and citizens and the non-members. Finally, we argued that immigrants play an indispensable economic and political role in the contemporary American context by providing a source of profit, by being an object of fear and foreignness on which basis the boundaries of the American nation are drawn as well as playing the role of active subjects in reinforcing the central coordinates of the American socio-political hierarchies.

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## SUMMARY

### »Če ne bi obstajali, bi si jih morali izmisliti.« Vloga priseljencev in njihovo reguliranje v ameriškem družbeno-političnem kontekstu

Blaž ILC

Članek analizira in kritično premišlja multidimenzionalno, heterogeno in kompleksno vlogo, ki so jo imigranti in njihova regulacija igrali v kontekstu vzpostavljanja, transformacije, perpetuiranja in legitimiranja družbenopolitične ureditve ZDA. Pri tem delno naslovi še vedno osrednjo vlogo, ki jo igrajo imigranti, regulacija imigracije in imigrantov v politični, družbeni, kulturni in gospodarski sferi sodobnih ZDA. V tem okviru članek zagovarja tezo, da so imigranti igrali in igrajo ključno vlogo pri vzpostavljanju, utrjevanju, razvoju in transformacijah Ameriške republike, pri čemer naslovi predvsem specifičnost vzpostavljanja ameriške družbenopolitične ureditve napram drugim Zahodnim družbenopolitičnim ureditvam, ki so bila ravno tako vzpostavljena preko multiplih in heterogenih migracijskih procesov. V tem okviru kritično premišlja osrednjo vlogo imigrantov v simbolnem in materialnem procesu vzpostavljanja, utrjevanja in perpetuiranja kolektivne ameriške nacionalne identitete, ameriške nacije in ameriškega državljan(stv)a kot tudi njihovem zamejevanju na specifične dele ameriške populacije preko dveh osrednjih prepletajočih se oblastno-vednostnih dispozitivov (zbirov heterogenih elementov, in sicer oblastnih praks, urbanistično-arhitekturnih form, diskurzov, vednosti in subjektivnih pozicij organiziranih in temporalno stabiliziranih okrog specifičnih strateških funkcij) družbenopolitične ureditve ZDA, in sicer rasističnega in nacionalističnega dispozitiva. Preko analize slednjih dispozitivov sta identificirani in reflektirani tako norma (beli protestantski Anglo-Ameriški moški) kot anti-norma (črni Afro-Američani) ameriške družbeno-politične ureditve, ki sta utemeljeni na dveh družbenopolitičnih skupinah z diametralno nasprotno historično migracijsko izkušnjo (svobodno na eni in prisilno/suženjsko na drugi strani). V kontekstu refleksije norme in anti-norme je kot ključen razlog za njuno kontinuirano historično reartikuliranje in perpetuiranje identificirana njihova osrednja funkcija, ki jo igra za zagotavljanja legitimnosti in ohranjanje kohezivnosti ameriške družbenopolitične ureditve v smislu zamejevanja »pravih« Američanov in lociranja »nepravih« ameriških formalnih državljanov ter »nevarnih, temnopoltih« imigrantov, ki jih je potrebno regulirati, disciplinirati, hierarhično umestiti v ameriško družbeno-politično ureditev ali fizično in simbolno izključiti iz nje zaradi percipirane nevarnosti, ki jo tako osmišljane družbenopolitične skupine utelešajo. Hkrati z analizo vloge imigrantov, ki so jo in jo igrajo v simbolno-materialnem

vzpostavljanju ameriške nacionalne identitete, nacije in državljan(stv)a, članek kritično analizira vlogo, ki jo je igralo vzpostavljanje vedno bolj institucionalizirane in strukturirane regulacije imigracijskih procesov v okviru vzpostavljanja in legitimiranja moderne birokratsko-centralizirane ameriške države, ki je ravno preko institucij za regulacijo migracijskih procesov vzpostavila sposobnost in legitimnost za interveniranje v ameriško populacijo. Članek delno analizira tudi ključno vlogo imigrantov pri vzpostavitvi in razvoju ZDA v gospodarsko velesilo ter ohranjanju in utrjevanju njene osrednje globalne gospodarske pozicije preko vedno novih valov imigrantov. Pri tem naslovi tako vlogo, ki jo imigranti igrajo kot delovna sila v delovno intenzivnih panogah ameriškega gospodarstva v smislu kontinuiranega vira dobička v smislu neposrednega izkoriščanja imigrantov kot tudi v smislu inštrumentov za omejevanje pravic ameriških delavcev.